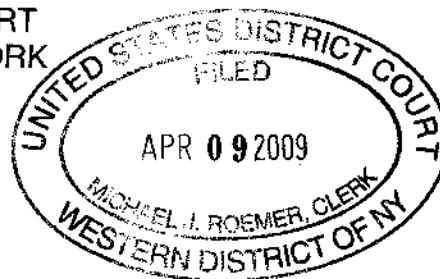


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



FRANK BROWN

Plaintiff,

vs.

ORDER
06-CV-6249

JOHN ALVES, et al.,


Defendants.

On March 18, 2008, the Court entered an Order (Docket No. 50) granting Plaintiff's pro se motion to appoint counsel and appointed Matthew J. Fusco, Esq., and Robert McCarthy, Esq., pro bono to represent Plaintiff. On June 23, 2008, Plaintiff filed a pro se motion for a preliminary injunction "to stop all other premeditated murders of anyone that writes to me and to stop mental health and Central office from murdering me at all costs now." On July 9, 2008, the Court's law clerk communicated with counsel asking whether they intended to go forward on the pro se motion for a preliminary injunction. On July 10, 2008, Mr. McCarthy responded that neither he nor Mr. Fusco intended to meet with Plaintiff later in July and asked the Court to reserve judgment on the motion. Since that time, counsel have appeared before U.S. Magistrate Judge Marion W. Payson for a motion hearing on another application filed by counsel, and the Court has not been asked to issue a ruling or hold a hearing on the pro se motion for a preliminary injunction. In view of Plaintiff's represented status, the Court will consider

the pro se motion (Docket No. 55) for a preliminary injunction withdrawn, with leave to resubmit.

It Is So Ordered.

DATED: Rochester, New York ENTER.
April 6, 2009



CHARLES J. SIRAGUSA
United States District Judge